5.1 FINANCIAL ASSURANCE

A detailed written estimate, in current dollars, based on the cost of hiring a third party to conduct closure of the largest area of all MSWLF units open at any one time, plus the third party cost for post-closure activities for the entire facility are presented in Appendix A.

The required statement from the City's chief financial officer stating that the City is financially capable of meeting the estimated closure costs has been previously provided to ADEQ.

5.2 TECHNICAL CAPABILITY

Woodward-Clyde is responsible for the design of the facility. Woodward-Clyde is an international consulting firm that provides full-service capabilities for the design, permitting, and operation of landfills. Woodward-Clyde has prepared designs for both solid and hazardous waste landfills throughout the United States and overseas. Woodward-Clyde works on wide varieties of waste projects, from municipal solid waste landfills to industrial hazardous waste disposal sites, which provides Woodward-Clyde a thorough and up-to-date understanding of the technologies involved in containing a full range of solid and hazardous wastes.

Woodward-Clyde's staff of Arizona registered engineers and geologists, and hydrologists, CAD designers, and fate and transport modeling experts have conducted waste management consulting services and engineering throughout Arizona. Woodward-Clyde projects include the siting of the Cochise County Landfill; a fatal flaw assessment for both the Navajo County Landfill expansion and for Waste Management's proposed Tucson Solid Waste Landfill; design review and compliance audit at the Butterfield Landfill; and design optimization and compliance assessment of the Northwest Regional Landfill in Maricopa County. Woodward-Clyde has also completed the Maricopa County Southeast Regional Landfill Siting study and has worked on the Phoenix Monofill Siting and Design Study.

The City of Flagstaff has successfully managed the operation of the landfill since its development over 25 years ago. Construction of lined cells will not occur for many years as the landfill operations will continue on the existing footprint for approximately 15 to 20 years. Therefore, the construction contractor for the proposed expansion has not been selected. construction will only be accepted from contractors deemed qualified and experienced in the field of landfill construction.

5.3 OTHER INFORMATION

5.3.1 Lease Agreement

A copy of the special use permit agreement between the United States Forest Service and the City of Flagstaff is presented in Appendix B.

5.3.2 Certificate of Disclosure

A certificate of disclosure is not required, as discussed in Section 1.1.

5.3.3 County Approval

As indicated in Section 3.2, the City is in the process of purchasing the landfill site from the USFS and the land transfer is expected to be complete in mid-summer 1998. When the transfer of land ownership from the USFS to the City is complete, the facility will fall under the jurisdiction of Coconino County (County) related to zoning, planning and land use issues. The land at and adjacent to CLL is currently zoned Agricultural/Residential. CLL is an existing nonconforming land use and continuing operations on the existing footprint will not require a permit from the County (Coconino County Community Development, 1998). The development of new cells in the expansion area will require a conditional use permit (CUP) from the County. During the CUP process a public hearing will be conducted by the County Planning and Zoning Commission. It should be noted that borrowing soil from the expansion area is allowable without a permit as this is considered a mining operation, which is exempt from the County zoning requirements.

It is the City's intent to submit a CUP application for the landfill expansion to the County once the land transfer is complete. The application process will take about 6 weeks (Coconino County Community Development, 1998).

5.3.4 Public Notice and Hearing

In accordance with the National Environmental Policy Act (NEPA) the USFS conducted a formal public review process related to the Environmental Assessment (EA) for the Cinder Lake Landfill Expansion and Land Transfer (November 1995). The formal scoping process began with the distribution of a Notification of Intent to conduct an EA for the transfer and expansion of CLL through the mail to approximately 350 organizations and individuals. The list of addressees was developed by integrating the USDA Coconino National Forest list of interested parties with a comprehensive list of property owners in the vicinity of CLL (all land adjacent to CLL is public land managed by the USFS). The original proposal was presented by Northland Research, Inc. to The Arizona Daily Sun. The Draft EA was completed and distributed in June 1995. Following a public meeting held on October 18, 1995, the Final EA was prepared. The Decision Notice and Finding of No Significant Impact for the landfill expansion and land transfer was issued by the USFS on November 8, 1995. A copy is provided in Appendix B.

Arizona Revised Statute 49-767 requires that all property owners within a three-mile radius of a proposed permanent site be notified via first-class mail of the site selection. A list of property owners within the required three-mile radius and a copy of the notification letter they received is presented in Appendix C. Copies of the newspaper public notices and notarized affidavits from The Arizona Daily Sun for public meetings are presented in Appendix C.

5.3.5 Restrictive Covenant

Since the site is Federal land managed by the USFS, the site currently operates under a waiver for the restrictive covenant requirements (see Appendix B). Upon transfer of ownership of the CLL to the City of Flagstaff, a restrictive covenant will be processed with the County Recorders Office.